

Town of Shrewsbury - Board of Selectmen
Richard D. Carney Municipal Office Building-Selectmen's Meeting Room
100 Maple Avenue
Monday, May 7, 2007 at 7:00 PM

Minutes

Present:

Bruce Card, Maurice DePalo, John Lebeaux, James McCaffrey, Moira Miller, and Daniel Morgado, Town Manager. Mr. Lebeaux called the meeting to order at 7:02pm.

Preliminaries:

1. Approve bills, payrolls and warrants, #0785 in the amount of \$331,710.22, and #0790 in the amount of \$1,030,844.84. Motion made, seconded and unanimously approved.
2. Approve minutes March 7, 2007, March 13, 2007, April 9, 2007, & April 30, 2007.
3. Announcements – Mr. Card welcomed Ms. Miller to the Board. Mr. Lebeaux, Mr. DePalo and McCaffrey voiced their welcomes as well adding they were glad to have her aboard. Mr. Miller thanked all those that had voted for her and the Board members for their welcome. She added that it was a pleasure to be here. Mr. Lebeaux announced that Kids Equipment Day will take place at the Highway Garage on Saturday, May 19th from 9:00am to 1:00pm. The town's big trucks, mowers, etc. will be available inspection. Town residents are invited to come down and check them out.
4. Town Manager's Report – Mr. Morgado explained the problems that were encountered in the mailing of the ballot question information. The vendor who does the printing and mailing for the town mailed them on April 20th using a presorted standard rate. They were trying to use the most economical rate which in this case resulted in the information not being delivered in a timely manner. Next time we will handle it locally in order to be able to monitor things more carefully and efficiently. We are working out a settlement of charges. Mr. Lebeaux added that steps were taken in order to make the information available at the polls. The Assistant Town Manager and Town Clerk worked diligently to expedite the mailing to no avail.

Mr. Lebeaux advised that currently the Board is lacking a Vice Chairman and asked for a nomination to fill the vacancy. Mr. McCaffrey nominated Maurice M. DePalo as Vice Chairman, Mr. Card seconded and the Board unanimously voted to approve the nomination of Mr. DePalo Vice Chairman.

Meetings:

Public Hearings:

5. 8:00pm – Bugaboo Creek Holdings, Inc. d/b/a Bugaboo Creek Steak House, 50 Boston Turnpike, Kristin R. Nyhof, President, transfer of stock to Bugaboo Creek Acquisition, LLC d/b/a Bugaboo Creek Steak House and change of officer/director to Russell D'Anton, President, for their All Alcoholic Beverages Pouring License and Common Victualler's License. No other changes. Mr. DePalo recused himself to avoid the appearance of conflict of interest. Atty. Trisha Farnsworth and Shawn deRonde, manager of the Shrewsbury restaurant were present. Mr. Farnsworth explained that RARE Hospitality Int., Inc. has decided to exit the Bugaboo Creek Steak House business and has entered into an agreement with Bugaboo Creek Acquisition, LLC a subsidiary of Charlie Brown's Acquisition Corp. for the sale of the thirty Bugaboo Creek Steak House restaurants. The new president, Russell D'Anton, is the current president of Charlie Brown's. Mr. Lebeaux advised that all reports from department heads were favorable and opened the hearing to the public. Seeing no comment, motion was made, seconded and voted four in favor with one abstention to close the hearing. Motion was made to approve the application of Bugaboo Steak House as stated and presented by Atty. Farnsworth. Motion was seconded and approved with four in favor and Mr. DePalo abstaining.
6. 8:15pm - White Hen Pantry, Raed A. Abdelrahim, Manager, 38 Maple Avenue, Common Victualler's License. Hours of Operation: 24 hours per day, Sunday through Saturday. Mr. Abdelrahim and Phil Goodwin, current manager, were present. Mr. Goodwin advised that no changes other than the new manager were planned. Mr. Lebeaux said that all reports from department heads were favorable and opened the hearing to the public.

Seeing no comment, motion was made, seconded and unanimously voted to close the hearing. Motion was made by Mr. DePalo to approve the application of White Hen Pantry, Raed Abdelrahim, manager, for the days and hours as stated. Motion was seconded by Mr. McCaffrey and unanimously voted.

7. 8:30pm - Cumberland Farms, Inc. d/b/a Cumberland Farms, 600 Hartford Turnpike, underground storage license of 40,000 gallons (one 10,000 Premium Gasoline & two 15,000 Regular Gasoline). Atty Philip Lombardo, Rick Lauder, regional manager for Cumberland Farms, James Fealtman, and Giles Hamm were present. Atty. Lombardo advised that Cumberland Farms is seeking to open a convenience store with gasoline pumping facilities on route 20. They are hoping to close in two months but still need curb cut approval from MassHighway and approval from MEPA. Entrance to the facility would be on route 20 with the exit on CenTech Blvd. but far enough back so that traffic would not be backing up at the light at the intersection. Mr. Lebeaux advised that reports from all departments were favorable with the exception of the Treasurer. There is a small outstanding tax bill. Atty. Lombardo advised that he will take care of this item. Mr. Lebeaux opened the hearing to the public and seeing no comment, motion was made, seconded and unanimously voted to close the hearing. Motion was made, seconded and unanimously voted to approve the application of Cumberland Farms as stated. License will be forwarded to Fire Chief LaFlamme for approval.
8. 8:45pm - Pepper Dining, Inc. d/b/a Chili's Grill & Bar transfer of the All Alcoholic Beverages Pouring License from Brinker Mass. Corp., d/b/a Chili's Grill & Bar, 291 Boston Turnpike, Shrewsbury. Pepper Dining, Inc. d/b/a Chili's Grill & Bar is also applying for a Common Victualler's License. Hours of Operation: Sunday-Thursday 11:00am to 11:00pm, Friday & Saturday 11:00am to 12:00 midnight. Chris Parker, manager of the Shrewsbury facility, was present. Mr. Parker advised the Board that Chili's Grill & Bar was changing from a corporation run business back to a franchise operation. This change will also apply to 45 other Chili's restaurants. There are no other changes. Mr. Lebeaux advised that all department head reports were favorable and opened the hearing to the public. As there was no public comment, motion was made, seconded and unanimously voted to close the hearing. Ms. Miller moved to approve the transfer of the All Alcoholic Beverages License of Chili's Grill & Bar from Brinker Mass. Corp. to Pepper Dining, Inc.; motion was seconded and unanimously approved. Motion was made, seconded and unanimously voted to approve the application of Pepper Dining, Inc. d/b/a Chili's Grill & Bar for a Common Victualler's License

Old Business:

New Business:

9. CenTech Boulevard and TIP List. Town Engineer Jack Perreault and Assistant Town Manager Michael Hale were present. Mr. Hale advised the Board that in their capacity as Road Commissioners there are two issues on which their input and direction is needed. The first relates to CenTech Blvd. The contract for binging in water and sewer services to lot 9 is about to be awarded. The trench required for the sewer line is 25 feet deep and the construction equipment needed to do the work will take up much of the roadway because of this it is necessary that CenTech Blvd. and the southern end of Green Street be closed for about two months. Mr. Hale added that the contractor had offered to build a temporary road but after a discussion they are recommending that the road be closed when traffic volumes are lowest, during the summer months. The second item is in regards to the CMRPC TIP List. Mr. Perreault advised that funding for projects on the TIP List had been cut. After discussions with Highway Supt. John Knipe they concluded that the town should focus on getting Grafton Street and West Main completed. They recommend dropping the Lake Street and Old Mill Road projects from the list at this time. They can be reconsidered after Grafton Street and West Main Street projects are completed. Mr. DePalo, the Town's representative on CMRPC's Central Mass. Metropolitan Planning Organization, advised that funding is drying up instead of increasing. CMRPC has asked towns to review their projects on the list and if not critical to remove them. After a discussion, motion was made to remove the Lake Street and Old Mill road projects from the TIP List. Motion was seconded and unanimously approved.
10. Juliann Koenig, 80 Bullard Street, Holden, MA, One Day All Alcoholic Beverages License for Wedding Rehearsal Dinner at Donahue Rowing Center, 237 No. Quinsigamond Avenue, Friday, June 8, 2007 from 7:00pm to 10:00pm. Motion was made to approve the application of Juliann Koenig for a One Day All Alcohol License for the day and hours as stated in the application. Motion was seconded and unanimously voted.
11. Treasurer requests Board's approval to reappoint Mary Grillo as Assistant Treasurer for a term of one year to expire June 30, 2008. Mr. Lebeaux advised that Treasurer Carolyn Marcotte had recommended the

reappointment of Assistant Treasurer-Collector Mary Grillo. Motion was made by Mr. Card, seconded by Ms. Miller and unanimously voted to reappoint Mary Grillo as Assistant Treasurer-Collector for a term of one year expiring June 30, 2008.

12. Memo from Mr. Morgado re Senate Bill 1199. Mr. Morgado advised that two senators have filed bill 119 to create a regional planning district within CMRPC. They are also asking to create a regional transportation authority. They have added Shrewsbury to the list of communities in favor of the bill without asking for the Board's or town's permission. Mr. DePalo, in his capacity as the town's representative on the CMMPO, advised that CMRPC will lose funding if this bill comes about. It would not be a good thing for CMRPC or for the WRTA. Most members of the CMRPC are opposed to this bill. After a discussion, Mr. Morgado suggested that the Board state their opposition to the bill but not ask to be removed as it could be in their best interest to be a part of it in the future. They should maintain good relations with both groups. Motion was made, seconded and unanimously voted to make it known that the Board is opposed to Bill 119.

Executive Session:

Collective bargaining, pending litigation and value of real property. Motion was made at 7:48pm, seconded, and unanimously voted to go into executive session for the purpose of discussing collective bargaining and value of real property and to reconvene into open session. The Board was polled, Mr. McCaffrey, yes, Mr. DePalo, yes, Mr. Card, yes, Ms. Miller, yes, and Mr. Lebeaux, yes.

Motion was made, seconded, and unanimously voted to adjourn executive session and to reconvene into open session at 8:04pm. On a roll call vote, Mr. McCaffrey, yes, Mr. DePalo, yes, Mr. Card, yes, Ms. Miller, yes, and Mr. Lebeaux, yes.

Communications:

13. Noted copy mailed: Notice from Alliance Defense Fund re Legality of *National Day of Prayer* events.
14. Noted copy mailed: Notice of Hearing from ABCC re Zante, Inc. d/b/a Sophie's, 81 Clinton Street.
15. Noted copy mailed: Memo from Director of Parks, Angela Snell re Dedication of Moquin Square, Veteran's Memorial. The Moquin Square dedication will take place on May 27th at noon at the corner of Maple Avenue and Oak Street. Pfc. Moquin died in Afghanistan in 2006.
16. Noted copy mailed: Board of Sewer Commissioners Meeting Minutes, 2/22/07 & 4/4/07.
17. Noted copy mailed: Letter from Mass. Executive Office of Transportation re escalation of global oil prices.
18. Noted copy mailed: Notice from Blackstone River Watershed Assoc. re survey of West & Mill Rivers.
19. Noted copy mailed: School Committee Meeting Minutes, 2/14/07, 3/14/07, 3/21/07, & 3/28/07.
20. Noted copy mailed: School Committee Meeting Agenda, 4/25/07.
21. Noted copy mailed: Notice from The Executive Office of Energy & Environmental Affairs re FY 2008 DCS Annual Grant Round.
22. Noted copy mailed: MMA Action Alert #6, April 27, 2007, Legislature's Budget Moves to Senate.
23. Noted copy mailed: FY'08 Budget Update from Rep. Polito. Rep. Polito reports that funds have been earmarked for the completion of the Jordan pond project and for phase 2 of the Lake Street recreation area. The Representative has worked hard to get these monies approved. Rep. Polito would like to come and speak to the Board after the budget is signed.
24. Noted copy mailed: Invitation to Spring Street School – Health Fair.
25. Noted copy mailed: E-mail from Tom McGlynn, 208 So. Quinsigamond Ave., re School Registration Process. School Dept. will respond.
26. Noted copy mailed: Corridor Nine Area Chamber of Commerce Annual Membership Renewal Invoice. Hold for May 14th meeting.
27. Noted copy mailed: E-mail from Maura Scott, 8 Bluegrass Lane, re Voting. Mr. Morgado advised that he had responded and that Ms. Scott was concerned about voting at Coolidge School. He had heard from another parent on this matter as well. The Board determined that this was a matter for discussion with the School Dept.
28. Noted copy mailed: Letter from Atty. Kevin Byrne re Knights of Columbus. Resolution between Knights of Columbus and an abutter have been reached.
29. Noted copy mailed: CMMPO Meeting Notice and Tentative Agenda.
30. Noted copy mailed: Senator Kerry's Monthly Grant Update.

31. Noted copy mailed: E-mail from John Lukach, 4 Bunker Hill Road, re Notice Ballot Question Mailing. Mr. Morgado advised that Mr. Lukach had filed a complaint with the State regarding the mailing of the ballot question information which was discussed earlier in the meeting.

Motion was made, seconded, and unanimously voted to adjourn at 9:02pm. On a roll call vote Mr. Card, yes, Ms. Miller, yes, Mr. DePalo, yes, Mr. McCaffrey, yes, and Mr. Lebeaux, yes.

Respectfully submitted,

Janice C. McCoy
Secretary